

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAPTIX, INC. §
§
V. § No. 6:12cv22
§
ALCATEL-LUCENT USA, INC., ET AL. §
CONSOLIDATED CASE

MEMORANDUM ORDER ADOPTING
THE REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

The above consolidated case was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of the case has been presented for consideration. Alcatel-Lucent USA, Inc. (“ALU”) filed objections to the July 22, 2015 Report and Recommendation regarding ALU’s Motion for Partial Summary Judgment of Non-Infringement. The Court conducted a *de novo* review of the Magistrate Judge’s findings and conclusions.

The Magistrate Judge issued a Report and Recommendation on July 22, 2015, recommending ALU's motion for partial summary judgment of non-infringement be granted in part and denied in part. Specifically, the Magistrate Judge recommended the Court enter summary judgment in ALU's favor regarding Adaptix's contributory infringement and inducement claims for pre-filing activity. The Magistrate Judge further recommended ALU's motion regarding Adaptix's direct infringement and post-filing inducement claims be denied, finding disputed issues of material fact for trial.

The Court, having reviewed the relevant briefing, the Report and Recommendation, the objections, and in light of the '172 patent no longer in the case, finds ALU's objections without merit. The Court agrees with the Magistrate Judge that there are genuine issues of material fact regarding Adaptix's direct infringement and post-filing induced infringement claims. The Court

adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of the Court. Accordingly, it is hereby

ORDERED that Alcatel-Lucent USA, Inc.'s Motion for Partial Summary Judgment of Non-Infringement (Dkt No. 272) is **GRANTED IN PART and DENIED IN PART**. It is further
ORDERED that summary judgment is **GRANTED** regarding Adaptix's contributory infringement and inducement claims for pre-filing activity.

SIGNED this 25th day of August, 2015.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE